

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

RONALD L. JESTES, JR.,

Plaintiff,

v.

SAXON MORTGAGE SERVICES, INC.,

Defendant.

Civil Action No.: 2:11-cv-

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Kevin H. Sharp

**SAXON'S MOTION TO EXCLUDE TESTIMONY OF
PLAINTIFF'S EXPERTS DEAN BINDER AND CHRISTOPHER WYATT
AND MOTION TO AMEND SCHEDULING ORDER**

Defendant Saxon Mortgage Services, Inc. ("Saxon") respectfully submits this Motion to Exclude the Testimony of Plaintiff's designated experts Dean Binder and Christopher Wyatt. The opinion testimony of Messrs. Binder and Wyatt fail to satisfy the requirements of the Federal Rules of Evidence and must be excluded. Mr. Binder's opinion testimony on harm to Plaintiff's credit is not relevant because he does not offer any opinion that Saxon inaccurately reported Plaintiff's loan account as delinquent. Mr. Wyatt's opinion testimony is improper because it consists almost entirely of legal conclusions and otherwise lacks a factual basis.

To avoid needless expenses in retaining a rebuttal expert and in bringing Messrs. Binder and Wyatt to Tennessee to be deposed, Saxon requests that the Court amend the scheduling order to continue the deadlines to disclose rebuttal experts (April 30, 2010) and to take expert discovery (May 30, 2012) pending a decision on Saxon's Motion to Exclude the Testimony of Plaintiff's Experts Dean Binder and Christopher Wyatt.

In further support of its Motion, Saxon relies upon the accompanying Memorandum of Law and the following exhibits:

- A. Report of Dean Binder (attached as Exhibit A);